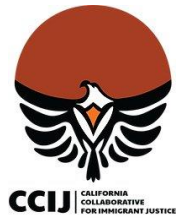




**FREEDOM  
FOR IMMIGRANTS**

**CENTRO  
LEGAL DE LA  
RAZA**



**INNOVATION  
LAW LAB**

**ACLU**  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
Northern  
California

**ACLU**  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
Southern California

September 12, 2022

**Via Email**

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**Re: Retaliation Against Individuals in Immigration Detention at Mesa Verde Detention Facility and Golden State Annex**

Dear Officer Culliton-Gonzalez:

Adan Castillo Merino, Armando Gil Tzun, Edgar Omar Alvarez Rodriguez, Fidel Garcia, Isaac Cardona Hernandez, Jose Ruben Hernandez Gomez, Mohamed S. Mousa, Pedro Jesus Figueroa Padilla, and Rigoberto Hernandez Martinez, (collectively, “Complainants”), through the undersigned organizations, submit this complaint to the Office of Civil Rights and Civil Liberties (“CRCL”) and the Office of the Immigration Detention Ombudsman (“OIDO”). They seek redress

for retaliation committed by Immigration and Customs Enforcement (“ICE”) and their contractor, the GEO Group (“GEO”), at Mesa Verde Detention Facility (“Mesa Verde”) and Golden State Annex (“Golden State”). Both facilities have a documented history of abuse and retaliation against detained people.<sup>1</sup>

As detailed below, Complainants, and other detained individuals, have engaged in individual and collective action at Mesa Verde and Golden State for months.<sup>2</sup> They have engaged in these actions to protest the mistreatment, poor living conditions, and unjust labor conditions they have faced while in detention. Collectively, their core demands call on ICE and GEO to<sup>3</sup>:

1. Treat all detained individuals with respect and dignity;
2. Increase the number of volunteer workers to 12 and increase worker salary to California Labor Law minimum wage of \$15 per hour;
3. Provide proper health care to all detained individuals by having a doctor on site, providing referrals to outside specialists promptly, and offering preventative health care such as sunscreen in the summer;
4. Provide better quality food, proportioned servings, properly cooked meals, fruit, vegetables, real meat, and hot water at every meal;
5. Maintain and sustain livable conditions in the facility, including by making potable water available throughout the facility;
6. Reinstate in-person visitation at the facilities and provide free virtual visitation, to enable everyone an equal opportunity to see their loved ones;
7. Provide clean, higher-quality linen and clothing, better suited for the climate and seasons;
8. Provide personal hygiene items, including proper razors, shaving cream, deodorant, dental flossers, and better-quality toothbrushes; and

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<sup>1</sup> See Press Release, ACLU of Northern California, Civil Rights Groups File Complaint Against ICE and Contractors for Violating First Amendment Rights of People in Immigration Detention (Aug. 26, 2021), <https://www.aclunc.org/news/civil-rights-groups-file-complaint-against-ice-and-contractors-violating-first-amendment>.

<sup>2</sup> See Farida Jhabvala Romero, *Immigrant Detainees Strike Over Working Conditions, California Regulators Investigate*, KQED (June 22, 2022), <https://www.kqed.org/news/11917597/immigrant-detainees-strike-over-working-conditions-california-regulators-investigate>.

<sup>3</sup> Support Detained Labor Strikers at Mesa Verde Detention Facility and Golden State Annex, <https://sites.google.com/ccijustice.org/supportdetainedstrikers/home-english>.

9. Ensure that grievances are thoroughly investigated and addressed with meaningful relief.

Instead of addressing the concerns and demands of detained individuals, ICE and GEO staff have retaliated against Complainants and others in the facility by placing individuals in solitary confinement, attempting to transfer them to out-of-state facilities, and issuing write-ups to punish those individuals with loss of commissary.

CRCL's stated mission is to "preserve individual liberty, fairness, and equality under the law" by "[i]nvestigating civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel."<sup>4</sup> Complainants and the undersigned organizations urge CRCL to exercise its authority and investigate the cruel and unlawful retaliation ICE and GEO have committed against Complainants.<sup>5</sup>

## **I. MESA VERDE DETENTION FACILITY IN BAKERSFIELD, CALIFORNIA**

ICE contracts with GEO to confine individuals at Mesa Verde in Bakersfield, California. In recent months, individuals detained at Mesa Verde have faced retaliation for asserting their right to decline participation in the "voluntary" work program, as well as for filing formal complaints documenting unjust conditions. Individuals in Dorm C at Mesa Verde announced a labor strike on April 26, 2022, along with their demands for better living and labor conditions.<sup>6</sup> Individuals in Dorm A joined the strike on June 28, 2022.<sup>7</sup> Since the actions began, ICE and GEO have moved individuals to solitary confinement, restricted access to programming, and attempted to transfer at least one strike participant to an out-of-state facility.<sup>8</sup> GEO officials engage in doublespeak: while locking individuals in solitary confinement for "engaging or inciting a group demonstration" they maintain to the media that no labor strike exists.<sup>9</sup>

GEO staff have also adopted a practice of isolating the detainees they are retaliating against by concentrating them in a single dorm. As of the filing of this complaint, all participants in the strike at Mesa Verde have been moved to Dorm C, despite previously residing in other dorms.

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<sup>4</sup> Department of Homeland Security, Office for Civil Rights and Civil Liberties, <https://www.dhs.gov/office-civil-rights-and-civil-liberties> (last visited August 23, 2022).

<sup>5</sup> Complainants have provided express consent to the signatory organizations to share their information with CRCL and have authorized CRCL to share information with these organizations about this complaint. Signed privacy waivers from all Complainants who have consented to the use of their names in this complaint are on file with the signatory organizations.

<sup>6</sup> See *supra* note 3.

<sup>7</sup> *Id.*

<sup>8</sup> Farida Jhabvala Romero, *ICE Detainees Protested \$1-a-Day Wage. Now They're in Solitary Confinement*, KQED (July 8, 2022), <https://www.kqed.org/news/11919161/ice-detainees-protested-1-a-day-wage-now-theyre-in-solitary-confinement>.

<sup>9</sup> *Id.*

Moreover, GEO staff at Mesa Verde are now also retaliating against strike participants by declining to properly investigate complaints filed by these individuals. On or around August 19, 2022, a detained individual reported to Centro Legal de la Raza (“Centro Legal”) that Facility Administrator Norbal Vazquez (“FA Vazquez”) informed him, along with other detained individuals, that future grievances from Dorm C—the dorm where strike participants were placed—would not receive a response because he does not want detained people to be able to forward the responses to their grievances to attorneys and advocates. As of the filing of this complaint, Complainants report that individuals detained in Dorm C have had all grievances filed on or after August 23, 2022, rejected or marked unfounded. This retaliation renders one of the only formal mechanisms detained people have available to exercise their right to speak out about detention conditions meaningless. Detainees retain a right of access to the courts, which includes access to counsel, and access to any grievance process that might be required as a prerequisite of accessing the courts. Deliberate interference with the right of access to courts is unlawful and reprehensible.

As Complainants describe below, ICE and GEO staff have a pattern of retaliating against individuals who protest conditions at Mesa Verde, including by repeatedly placing them in solitary confinement.

**Mohamed S. Mousa.** Mohamed S. Mousa (“Mr. Mousa”) has been detained at Mesa Verde since 2019. During his time at the facility, he has repeatedly spoken out about the substandard living and working conditions at the facility. When his fellow dormmates in Dorm A began organizing to join the labor strike in June 2022, Mr. Mousa signed on to the letter in support. Mr. Mousa felt that he and the others were being treated unfairly by facility staff. When other individuals in his dorm felt like they were not being heard, Mr. Mousa offered to talk to GEO staff about their concerns. In response, Mr. Mousa was placed in solitary confinement on June 29. When Mr. Mousa raised concerns about his placement, he was informed that he would be kept in solitary confinement as long as he was at Mesa Verde.

From June 29 until August 25, 2022, Mr. Mousa was held in solitary confinement for purported violations of Code 213 (engaging in or inciting a group demonstration) and Code 299 (conduct that disrupts/interferes with the security or operation of the facility). However, the sole basis for these charges—as cited by GEO Group’s Institution Disciplinary Panel Report—is that Mr. Mousa allegedly dropped a form about the labor strike in the kite box. In a written response to Mr. Mousa’s appeal of his continued solitary confinement, FA Vazquez confirmed that Mr. Mousa was placed there for asserting his right: “as you correctly asserted, ‘I’m known to stand up for my rights,’ you consistently have attempted to disrupt the orderly running of the facility, and it will not be tolerated.” While in solitary confinement, Mr. Mousa tested positive for COVID-19. He filed grievances to request liquid hand soap, Tylenol, and cough drops, but his grievances went ignored. Mr. Mousa reported that he thought he “was going to die” during this time. GEO and ICE did not address his needs.

On August 8, 2022, Mr. Mousa’s immigration counsel was informed by Assistant Field Office Director Nancy Gonzalez that he would be transferred out of state on August 9, the next

day, for unspecified “security concerns.” Advocates mobilized to stop Mr. Mousa’s transfer and, as Mr. Mousa was about to board a plane, his transfer was successfully halted. Mr. Mousa was returned to Mesa Verde and held in solitary confinement until August 25. He was then transferred to Dorm C.

**Pedro Jesus Figueroa Padilla.** Pedro Jesus Figueroa Padilla (“Mr. Figueroa Padilla”) has been detained at Mesa Verde since November 2021. He is a strike participant who was previously in Dorm A and who has been advocating for better working conditions at the facility. On June 30, 2022, two days after workers in Dorm A announced their strike, Mr. Figueroa Padilla was placed in solitary confinement for purported violations of Code 213 (engaging in or inciting a group demonstration) and Code 299 (conduct that disrupts/interferes with the security or operation of the facility). While his disciplinary forms do not indicate the basis for these accusations, Lieutenant Vasquez and GEO Officer Morales informed Mr. Figueroa Padilla that he was being placed in solitary confinement for inciting the strike.

Mr. Figueroa Padilla spent eight days in solitary confinement. The cell was a small, six-by-twelve windowless room with poor air circulation, no hot water, and a small cot instead of a bed. Mr. Figueroa Padilla experienced a decline in his mental health while in solitary confinement and felt so unwell that he was unable to make his usual calls to loved ones. Since his release from solitary confinement, Mr. Figueroa Padilla has been transferred to Dorm C and continues to live in fear that he will be placed back in solitary confinement or transferred, as Mr. Mousa almost was.

**Isaac Cardona Hernandez.** Isaac Cardona Hernandez (“Mr. Cardona Hernandez”) has been detained at Mesa Verde since August 2021. He has advocated for better labor and living conditions at Mesa Verde and repeatedly voiced his concerns to GEO staff in 2022. Mr. Cardona Hernandez frequently spoke with ICE and GEO staff about his involvement in the labor strike. Following the start of the labor strike in Dorm C, Mr. Cardona Hernandez was placed in solitary confinement for 28 days. GEO staff alleged that Mr. Cardona Hernandez was under investigation for assault but provided him few further details about the purported investigation.

While in solitary confinement, GEO deprived Mr. Cardona Hernandez of access to most programming, such as television time, arts and crafts, and religious services. He spent nearly a month in a cell with only a bed, toilet, and sink. The cell was so small that Mr. Cardona Hernandez had to use his sink as a table and had limited space to stand or move around. During his confinement, Mr. Cardona Hernandez’s mental health deteriorated, and he began having thoughts of suicide. He asked for the incident report to understand the accusations that had been made against him but never received any documentation. Instead, on July 7, 2022, Mr. Cardona Hernandez was released and handed a paper that merely stated that the reasons for his initial placement in solitary confinement were no longer valid.

**Jose Ruben Hernandez Gomez.** Jose Ruben Hernandez Gomez (“Mr. Hernandez Gomez”) has been detained at Mesa Verde since January 2022. Initially, Mr. Hernandez Gomez worked as a porter, cleaning the restrooms and hallways in Dorm A. He joined the labor strike on June 29 and stopped cleaning the restrooms and hallways. As he and other porters continued the

strike, GEO staff did not appropriately clean the bathrooms. Mr. Hernandez Gomez contracted a fungal infection on his feet on July 5.

On July 15, Mr. Hernandez Gomez was approached by medical staff, who asked if he was experiencing any COVID-19 symptoms. Although Mr. Hernandez Gomez reported that he was not, they insisted that he go to medical for a test. Mr. Hernandez Gomez requested that they conduct the test in the dorm, as was their usual practice, but the medical staff insisted that he report to medical. Mr. Hernandez Gomez complied. Once in medical, his rapid test came back negative but medical staff insisted that he take a PCR test. Despite testing negative and experiencing no symptoms, Mr. Hernandez Gomez was placed in solitary confinement. In solitary, Mr. Hernandez Gomez began to worry, knowing that Mr. Mousa and Mr. Figueroa Padilla had both been held in confinement for extended periods of time. He contacted outside advocates, who helped him return to Dorm A the next day. Since his release from solitary, Mr. Hernandez Gomez has been fearful of further retaliation and has been transferred from Dorm A to C without explanation.

**Rigoberto Hernandez Martinez.** Rigoberto Hernandez Martinez (“Mr. Hernandez Martinez”) has been detained at Mesa Verde since January 2022. He was originally a porter in Dorm A but joined the strike on June 29 because he felt neglected and disrespected by ICE and GEO staff. On July 5, Mr. Hernandez Martinez left Mesa Verde for a medical procedure and was placed in solitary confinement for 14 days for COVID-19 transmission prevention. He was expected to be released on July 19. However, on July 20, Mr. Hernandez Martinez was placed in solitary confinement as an alleged security risk. On July 25, Mr. Hernandez Martinez reported to Centro Legal that two Mesa Verde staff members told him that his continued solitary confinement was due to his participation in the labor strike. One staff member offered to help get Mr. Hernandez Martinez out of solitary but only if he agreed to resume working as a porter.

In solitary confinement, Mr. Hernandez Martinez felt robbed of all happiness and hope. He felt depressed, frustrated, and lonely and experienced headaches and fatigue. In his small cell, Mr. Hernandez Martinez had limited space to move about and was not offered library access or religious services. After nearly a month of quarantine followed by solitary confinement, Mr. Hernandez Martinez was released back to the dorms on August 1. However, instead of returning him to Dorm A, GEO staff transferred Mr. Hernandez Martinez to Dorm C with no explanation.

## **II. GOLDEN STATE ANNEX IN MCFARLAND, CALIFORNIA**

Golden State has served as an immigration detention facility since September 2020 as part of a contract between ICE and GEO. The facility is 26 miles from Mesa Verde and is contractually listed as an annex to Mesa Verde but operates independently with its own workforce and Facility Administrator.<sup>10</sup> Detained individuals at Golden State announced a labor strike on June 6, 2022.<sup>11</sup> Within days of the strike, GEO staff retaliated against the workers by issuing mass disciplinary

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<sup>10</sup> California Department of Justice, Immigration Detention in California: A Review of Detention Facilities’ Response to COVID-19 as of Fall 2021 (July 2022), <https://oag.ca.gov/system/files/media/immigration-detention-2022.pdf?>.

<sup>11</sup> See *supra* note 3.

write-ups for behavior that had not been an issue before the strike. These write-ups resulted in strike participants losing access to commissary and, in one instance, being placed in solitary confinement.

**Fidel Garcia.** Fidel Garcia (“Mr. Garcia”) has been detained at Golden State since July 2021. He initially worked as a porter, cleaning restrooms and other parts of the facility. However, after ICE and GEO failed to address the poor living and working conditions he and other detained people face, Mr. Garcia joined the strike at Golden State. He remains involved in the strike efforts and has participated in meetings with Golden State administration regarding the strike. In mid-July 2022 Mr. Garcia, along with other detained individuals who were participating in the strike, were written up for a Code 307 (refusing a direct order) violation. Mr. Garcia was not provided a copy of the write-up. Mr. Garcia and the others attended their hearing unaware of the charges and without a meaningful opportunity to defend themselves. Mr. Garcia and the others were found guilty; they lost access to commissary for a week.

**Edgar Omar Alvarez Rodriguez.** Edgar Omar Alvarez Rodriguez (“Mr. Alvarez”) has been detained at Golden State since September 2021. He was a porter at the facility, where he cleaned the dorm. After joining the strike, Mr. Alvarez and several other individuals participating in the strike were written up for having double mattresses on their bunk beds and threatened with loss of access to commissary as punishment. Mr. Alvarez and the others were written up for the double mattresses only after they had begun participating in the labor strike and despite having had visible double mattresses for months. Mr. Alvarez appealed the write-up, which was ultimately dropped. Additionally, following the start of the labor strike, Mr. Alvarez also noticed that detained people who joined the strike were being searched more frequently and arbitrarily. Mr. Alvarez now fears that GEO staff will search for reasons to write-up strikers and take away their access to commissary.

**Adan Castillo Merino.** Adan Castillo Merino (Mr. “Castillo Merino”) has been detained at Golden State since November 2020. He has participated in the strike for over two months. In August 2022, Mr. Castillo Merino was placed in solitary confinement for seven days for allegedly having a prohibited item in his dorm. The item, a clip from a pen, was an item Mr. Castillo Merino had for months and which staff at the facility were aware of. Mr. Castillo Merino had never been written him up or issued any warnings for having that clip. Mr. Castillo Merino believes that the write-up and his placement in solitary confinement were only because he is participating in the labor strike.

**Armando Gil Tzun.** Armando Gil Tzun (“Mr. Gil Tzun”) has been detained at Golden State since May 2022. He initially worked as a barber but joined the strike along with his fellow dormmates in Dorm A-3. On July 12, Mr. Gil Tzun and others detained in Dorm A-3 walked out to the yard, where they asked GEO staff to meet their demands. GEO Lieutenant Garza told the protesters, “If you don’t go back in, I’ll come back and pepper spray you.” However, the strikers remained in the yard for five hours until ICE officials came to speak with them.

On August 2, a fight broke out in Dorm A-3. The same day, many in the dorm walked out into the yard and stayed for their allotted hour to call attention to their concern for safety within the dorm and their demand that GEO staff act. Everyone in the dorm was written up for participating in the walkout, but individuals who were known to be involved in the labor strike, such as Mr. Gil Tzun, received harsher punishment. On August 8, Mr. Gil Tzun lost access to commissary for two weeks due to the write-up. Assistant Administrator Tanya Andrews threatened to “send [her] officers to get” anyone who protested in the yard again and has also threatened to have Mr. Gil Tzun transferred to a different facility. Mr. Gil Tzun is fearful of further retaliation but remains resolute in his commitment to the demands of the strike.

### **III. ICE AND ITS CONTRACTORS’ CONDUCT CONSTITUTES UNJUST RETALIATION**

The egregious conduct of ICE and its detention contractors described above constitutes clear retaliation against the Complainants and other individuals detained at Mesa Verde Detention Facility and Golden State Annex for voicing their concerns in each facility, in violation of the 2011 Performance-Based National Detention Standards (“PBNDS”).

The PBNDS recognize that an individual in detention has “[t]he right to pursue a grievance . . . without fear of retaliation.”<sup>12</sup> Specifically, Section 6.2(V)(G) states:

Staff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the DHS Office of the Inspector General.

Actions are considered retaliatory if they are in response to an informal or formal grievance that has been filed and the action has an adverse effect on the resident’s life in the facility.

Immediately following any indication or allegation of retaliation, the facility and ICE/ERO shall conduct an investigation of alleged acts of retaliation in a timely manner, and take all steps necessary to remedy any retaliation determined to have occurred.

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<sup>12</sup> ICE Performance-Based National Detention Standards 2011 (hereinafter, “PBNDS”), Section 3.1(V)(B)(3), <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>.



Similar protections against retaliation and abuse are found in the PBNDS's section concerning the disciplinary process.<sup>13</sup> Disciplinary actions taken against individuals in detention may not be "capricious or retaliatory."<sup>14</sup> Section 3.1(II) also requires, in pertinent part, that:

(1) Detainees shall be informed of facility rules and regulations, prohibited acts, disciplinary sanctions that may be imposed, their rights in the disciplinary system and the procedure for appealing disciplinary findings.

(3) Disciplinary segregation shall only be ordered when alternative dispositions may inadequately regulate the detainee's behavior.

(8) At each step of the disciplinary and appeal process, the detainee shall be advised in writing of his/her rights in a language he/she understands, and translation or interpretation services shall be provided as needed.

(16) At all steps of the disciplinary process, accurate and complete records shall be maintained. The detainee shall receive copies of all reports, exhibits and other documents considered or generated in the hearing process, except insofar as the disclosure of such documents may pose an imminent threat to the safety, security and orderly conduct of the facility staff or other detainees, or if the document or other evidence is otherwise protected from disclosure.

Finally, individuals in detention also have the right to have their grievances, including medical grievances, processed in a timely manner. Under Section 6.2 (V)(A), a grievance system at each detention facility shall:

(3) establish reasonable time limits for: a. processing, investigating and responding to grievances; b. convening a grievance committee (or actions of a single designated grievance officer) to review formal complaints; and c. providing written responses to detainees who filed formal grievances, including the basis for the decision;

(4) ensure a procedure in which all medical grievances are received by the administrative health authority within 24 hours or the next business day, with a response from medical staff within five working days, where practicable; 5. establish a special procedure for time-sensitive, emergency grievances, including having a mechanism by which emergency medical grievances are screened as soon as practicable by appropriate personnel;

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<sup>13</sup> See PBNDS, Section 3.1(II)(18) ("Detainees shall be allowed to appeal disciplinary decisions through a formal grievance system. No staff member shall harass, discipline, punish or otherwise retaliate against any detainee for filing a complaint or grievance."); Section 3.1(II)(19) ("Detainees shall be afforded rights including, but not limited to, the following: the right to protection from abuse; the right to freedom from discrimination; the right to pursue a grievance; the right to correspond with persons or organizations; and the right to due process.").

<sup>14</sup> PBNDS, Section 3.1(V)(A)(3).

(6) ensure each grievance receives appropriate review; and

(8) include guarantees against reprisal.

The Complainants, along with other detained people, have engaged in a variety of collective and individual actions to plead with ICE and GEO to provide them with better living and working conditions: filing formal grievances, engaging in concerted strikes, attempting to speak with facility staff to raise complaints, and protesting in the yards. In response, ICE and GEO staff have responded to their concerns by placing individuals in solitary confinement, attempting to transfer them to out-of-state facilities, writing them up for the purpose of punishing those individuals with loss of commissary or placement in solitary confinement, and interfering with their right to file future grievances for the express purpose of blocking their access to counsel and the courts. Staffs' actions against Complainants, and the timing of such actions, shows that Complainants are being targeted and retaliated against for continuing to voice their concerns regarding conditions at the facility. Such retaliatory conduct by ICE and GEO cannot be tolerated; CRCL should investigate these actions and adopt the recommendations in this complaint.

#### **IV. REQUEST FOR CRCL AND OIDO INVESTIGATION AND RECOMMENDATIONS TO ICE**

As detailed below, the Complainants urge CRCL and OIDO to initiate an investigation and recommend ICE take immediate steps to address the violations detailed in the complaint. As detailed below, because these facilities have been unable to remedy these violations despite repeatedly being put on notice by the courts, media, and advocates, CRCL should recommend that ICE terminate its contracts with GEO at Mesa Verde Detention Facility and Golden State Annex. Because ICE has been unable to protect Complainants and others from unlawful retaliation in detention, CRCL should also recommend their immediate release.

##### **A. Conduct a Thorough Investigation of Complainants' Experiences of Retaliation and Recommend That ICE Affirmatively Protect Complainants and Similarly Situated Individuals from Further Retaliation**

Complainants request that CRCL and OIDO investigate their experiences of retaliation—as detailed in this complaint—and that CRCL recommend that the Department of Homeland Security grant the Complainants—as well as any other individuals who suffered retaliation related to the events mentioned in this complaint—remedial relief, including the following:

1. Exercise prosecutorial discretion and release any Complainant (or others who suffered retaliation related to the events mentioned in the complaint) who remains in detention;
2. Abstain from re-detaining any Complaint or similarly situated individuals who previously have been released; and
3. Issue deferred action to protect Complainants and similarly situated individuals

from removal while the investigatory process unfolds and/or move to dismiss, or stipulate to relief in, their removal proceedings.

Further, CRCL should issue recommendations to ICE for the agency to undertake remedial measures, including the following:

4. Conduct personnel and contract reviews with the aim of identifying the specific officers and agents within ICE and its contractors that undertook, supervised, or approved of the retaliatory measures (as well as those that subsequently learned of the unlawful conduct but failed to take action to redress it);
5. Remove those officers and agents from all detention and enforcement activities pending investigation; and
6. Take disciplinary measures against those officers and agents, including shifting them out of operational roles.

**B. Recommend that ICE Terminate Contracts with Immigration Detention Facilities and Contractors**

The experiences of Complainants detailed in this complaint demonstrate the inhumane conditions of confinement, abuses of power, and serious violations of civil rights and civil liberties that individuals are subjected to while in detention. Despite years of oversight, inspections, and litigation, ICE and its contractors continuously sustain unlawful conditions and retaliate against those who speak up. Because ICE and its contractors at Mesa Verde and Golden State have proven unwilling to address these problems, CRCL should recommend that ICE:

1. Immediately end its contracts with GEO at Mesa Verde Detention Facility and Golden State Annex; and
2. Immediately end its contract with the Nakamoto Group, which is charged with inspecting facilities but has a track record of covering up systemic abuse.<sup>15</sup>

**C. Recommend That ICE Eliminate Policies That Punish Individuals Exercising Their Rights in The Facility**

CRCL should recommend that ICE amend the Performance-Based National Detention Standards and all other guidance governing detention standards, including the 2019 National

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<sup>15</sup> The Nakamoto Group is a private contractor that conducts inspections of ICE facilities that hold detainees over 72 hours. ICE has contracted with the Nakamoto Group since 2007 and renewed its contract in 2016. The Department of Homeland Security Office of Inspector General found that "Nakamoto's inspection practices are not consistently thorough" and "its inspections do not fully examine actual conditions or identify all compliance deficiencies." *See ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, Department of Homeland Security Office of the Inspector General (June 26, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

Detention Standards, the 2020 Family Residential Standards, and the ICE Health Service Corps<sup>16</sup> guidance to make clear the following:

1. Eliminate the standard that expressly calls for ICE contractors to penalize “engaging in or inciting a group demonstration”;
2. Prohibit immigration officials or facility staff from using any form of solitary confinement, including administrative segregation, restricted housing, or medical segregation, as a form of punishment for individuals who speak out against conditions or otherwise exercise their rights in the facility;
3. Prohibit transfers across dorm rooms or facilities, including out of state transfers, where an individual has participated in activities such as filing informal or formal complaints, hunger strikes, or other demonstrations at the current facility, unless an individual expressly requests such transfer;
4. Prohibit the denial of access to commissary items, in response to individuals who speak out against conditions or otherwise exercise their rights in the facility;
5. Identify and correct failures in the grievance process, including by implementing a system with ICE that details how ICE must adjudicate grievances;
6. Implement training and other policy changes to ensure that ICE and its contractors’ staff refrain from retaliation in the future; and
7. Address the underlying conditions of confinement that led to Complainants’ exercise of their rights.

**D. Recommend That ICE Address the Specific Demands of Complainants and Similarly Situated Individuals**

CRCL should recommend that ICE address the demands of detained advocates. These demands include:

1. Mitigate the toxic and deadly conditions at facilities immediately;
2. Provide free access to gear to protect from extreme heat and sun;
3. Facilitate access to legally mandated immigration law materials and resources as required by Section 6.3 of the PBNDS;
4. Serve adequate, real food instead of expired and contaminated products;
5. End the medical abuse and negligence;
6. End retaliation against detained advocates; and
7. End all use of solitary confinement.

**E. Recommend that ICE Hold Regular Meetings Between Facility Management and Dorm/Pod Representatives**

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<sup>16</sup> Although only the 2011 PBNDS applies to the facilities at issue in this complaint, ICE should apply uniform, nationwide standards.

CRCL should recommend that ICE allow detained individuals to collectively share their grievances with ICE and GEO by taking the following measures:

1. Hold regular meetings between facility management and ICE ERO officials and representatives chosen by each dorm/pod, at which representatives can share collective grievances of their respective dorm/pod;
2. Allow an outside advocate chosen by the representatives to attend these meetings; and
3. Require that ICE officials and facility management provide a timely written response to all informal and formal grievances raised at these meetings.

We look forward to your prompt attention to the issues detailed in this complaint.

Sincerely,



Deyci Carrillo Lopez



Priya Arvind Patel  
**Centro Legal de la Raza**



Mariel Villarreal



Lisa Knox  
**California Collaborative for Immigrant Justice**



PJ Podesta  
**Innovation Law Lab**



Rebecca Merton  
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